

To: Marianne Engelman Lado[mengelmanlado@earthjustice.org]
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)[emclaugh@email.unc.edu]; Alexis Andiman[aandiman@earthjustice.org]; 'Ducharme, Brent'[ducharme@email.unc.edu]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]
From: O'Lone, Mary
Sent: Tue 11/29/2016 3:09:54 PM
Subject: RE: Follow Up to Interviews & Site Visit on REACH Complaint

Marianne-

Thank you for the information.

Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Monday, November 28, 2016 5:51 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Subject: Follow Up to Interviews & Site Visit on REACH Complaint

Mary,

This email is intended to follow up on interviews with Dr. Johnston and Dr. Wing, as well questions raised during the site visit conducted by OCR earlier this month in eastern North Carolina on the REACH complaint. We forward these materials on behalf of Complainants with the hope that OCR's investigation will be concluding soon and that OCR will issue findings and recommendations in this case before the end of the year.

Please let me know if these materials raise any question.

First, attached please find photographs of a two-page letter to [Ex. 6 - Personal Privacy] from Richard C. Burrows of Burrows & Hall dated June 24, 1998. The letter threatens [Ex. 6 - Personal Privacy] with legal action for complaining to the Division of Water Quality at the state Department of Environment and Natural Resources (DENR), the forerunner of the Department of Environmental Quality (DEQ). OCR requested a copy of this letter during the interview with [Ex. 6 - Personal Privacy] during the site visit.

Second, I believe we discussed this orally, but I wanted to confirm that Complainants sent a full copy of the September 3, 2014 Title VI complaints and accompanying exhibits, including the initial Wing/Johnston 2014 disparity study, to DEQ.

Third, your June 14, 2016 email in follow up to the interview with Dr. Johnston requested information or tables not displayed in the 2014 study or complaint that provide data on which statements in the complaint were derived – in particular, tables or data related to analysis of whole state analysis. As you may recall, paragraphs 132, 140, 148 and 155 of the complaint mistakenly referred to a table (labeled Table 2) that was not in the Wing & Johnston August 29, 2014 Report. The information was, however, presented textually on page 6 of Wing & Johnston's Report:

We calculated these same ratios based on the entire state population of 9,535,483. The percentages of POC, Blacks, Hispanics and American Indians living within 3 miles of an IHO are 1.38, 1.40, 1.26 and 2.39 times higher than the percentages of non-Hispanic Whites, respectively. These ratios are considered to be highly statistically significant.

Wing & Johnston at 6 (first paragraph).

Attached please find a table with the numbers for the whole state analysis referred to in paragraphs 132, 148, 155 and 140, consistent with the text on page 6 of the Report. See Copy of Whole State Ratios IHO TitleVi Table.xlsx.

Attached please also find two figures developed for paragraph 134 – one of which was not included in the complaint (SSLW density blocks) and the second, which was included as a better graphic representation of the text (SSLW IHO Figure, appearing in the complaint on page 37 below paragraph 134).

OCR staff have now had the opportunity to ask Elsie Herring about the odors that seep into her house even when the windows are shut. (Question #9 on your June 14, 2016 email requesting additional information.) At this point, we have been unable to locate documentation of the Health Department's opinion or advice.

Finally, OCR staff has also had the opportunity to gather information regarding EJ Summit meetings and DEQ's participation. (Question #8 on your June 14, 2016 email requesting additional information.) As you know, for the last 18 years, the North Carolina Environmental Justice Network (NCEJN) has hosted an EJ Summit in October almost every year. The agenda regularly includes a plenary session generally entitled Community Speak-Out and Government Listening Panel, which presents an opportunity for local, state, and federal government officials to hear directly from community members about the issues of environmental justice they face.

The adverse impacts of industrial hog operations is a regular topic at these sessions. In years past, Christine Lawson, now Program Manager at DEQ's Division of Water Resources, has participated in the panel, among other DEQ staff. By way of example, attached please find the 2014 program: Ellen Lorcheider, from DEQ's Division of Waste Management, is listed as participating that year. Notably, a panel that highlighted research on the impacts of swine waste and was facilitated by Dr. Wing directly preceded the Speak-Out Panel that year. Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy Declaration, attached to the Complaint as Exhibit 30, also describes the annual Summit and the Speak-Out Panel. See paragraphs 46-50.

Again, please feel free to let us know if this information raises any question. Although we are happy to provide additional information, we also believe that there is more than sufficient documentation that DEQ's general permit, which allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight was (a) issued without conducting a

disproportionate impact analysis and ensuring compliance with Title VI and its regulations, and (b) has an unjustified disproportionate impact on the basis of race and national origin. We ask that OCR issue findings and recommendations this year.

Sincerely,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at Ex. 6 - Personal Privacy or by email,

Ex. 6 - Personal Privacy



The information contained in this email message may be privileged, confidential and protected from disclosure.

If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited.

If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Tue 3/22/2016 6:49:25 PM
Subject: FW: Draft ADR Termination Letter
11R-14-R4 ADR termination complainant (03222016).docx

Contained within is a reference to the interview with the professor. This clause stands in isolation and does not lead to any action(s) or request(s).

Since we are continuing to prepare for this interview, I would highlight this section for awareness purpose and ask how it should be supplemented, if at all.

From: Farrell, Ericka
Sent: Tuesday, March 22, 2016 2:38 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Subject: Draft ADR Termination Letter

Good Afternoon Jeryl,

Here is a draft termination letter that I will forward to Mary for review. Any comments/edits?
Thanks.

Ericka Farrell

Office of Civil Rights

External Compliance

202-564-0717

To: O'Lone, Mary[OLone.Mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)[emclaugh@email.unc.edu];
Ducharme, Brent[ducharme@email.unc.edu]; Alexis Andiman[aandiman@earthjustice.org]; Johnson,
Johahna[Johnson.Johahna@epa.gov]
From: Marianne Engelman Lado
Sent: Tue 5/31/2016 3:58:47 PM
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Mary,

Hope you had an enjoyable holiday weekend.

I wanted to check in to see if we can confirm the time for Dr. Wing's interview.

Many thanks,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

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F: 212.918.1556

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From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Thursday, May 26, 2016 1:54 PM
To: Marianne Engelman Lado; Farrell, Ericka
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu); Ducharme, Brent; Alexis Andiman; Johnson, Johahna
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I am confirming that we have received your email.

We will get back to you.

Thanks, Mary

P.S. Would you please also cc Johahna Johnson in my office on emails. I don't want anything to fall through the cracks when I am on vacation this summer. I have ccd her on this email.)

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]

Sent: Thursday, May 26, 2016 12:13 PM

To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>

Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>;

Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

Dear Mary and Ericka,

This email and attachments are intended both to supplement the record in Administrative Complaint 11R-14-R4 filed on behalf of North Carolina Environmental Justice Network (NCEJN), Rural Empowerment Association for Community Help (REACH) and Waterkeeper Alliance against the North Carolina Department of Environment and Natural Resources, now the Department of Environmental Quality (DEQ) and, also, to follow up on the interview conducted by the Office of Civil Rights (OCR) on May 11, 2016 with Dr. Jill Johnston. In addition, I'm pleased to let you know that **Ex. 6 - Personal Privacy** has indicated that he would be willing to schedule an interview with OCR. In order to avoid any confusion about materials previously submitted by complainants related to Dr. Wing's work and expertise, we are attaching Dr. Wing's c.v., the original and updated disparities analyses that he co-authored with Dr. Johnston, Dr. Wing's declaration, and Exhibits 2, 50, 52 and 53 to the complaint, each of which were authored or co-authored by Dr. Wing.

With the goal of moving forward in a timely way, I have touched base with Dr. Wing on his availability and am hoping that one of the following times might be convenient for you:

Wednesday, June 15, any time between 9 and noon

Thursday, June 16, from 3-5

In follow up to Dr. Johnston's interview and to supplement the record, attached please find the final published version of Guidry, et al., "Hydrogen Sulfide Concentrations at Three Middle Schools Near Industrial Livestock Facilities," published in the Journal of Exposure Science and Environmental Epidemiology (2016), as well as a paper discussed by Dr. Johnston during the interview, Johnston, et al., "Wastewater Disposal Wells, Fracking, and Environmental Injustice in Southern Texas, published in the American Journal of Public Health (2016) (analyzing racial composition of residents living less than 5 kilometers from disposal wells using a similar approach to the disparities analysis conducted by Drs. Wing and Johnston and submitted by complainants in this case).

We will send additional material in follow up to the interview by separate cover. In addition, we understand that you had hoped to send Dr. Johnston a list of paragraphs in the complaint that she might review to determine whether the characterizations in the complaint are consistent with the findings of the disparities analyses. We await this follow up as well.

Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

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To: Marianne Engelman Lado[mengelmanlado@earthjustice.org]; Farrell, Ericka[Farrell.Ericka@epa.gov]
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)[emclaugh@email.unc.edu]; Ducharme, Brent[ducharme@email.unc.edu]; Alexis Andiman[aandiman@earthjustice.org]; Johnson, Johahna[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Thur 5/26/2016 11:06:26 PM
Subject: RE: Supplement to the Record, Administrative Complaint 11R-14-R4

Marianne-

I should have mentioned in my first email that we are so pleased to hear about the successful

Ex. 6 - Personal Privacy

 That is wonderful news.

I hate to ask this, but is it at all possible he would be able to speak with us on June 14th or earlier? I will be out of the office for an extended period of time starting on the 15th.

If it is not possible, we will set it for one of the dates & times you have sent. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Thursday, May 26, 2016 12:13 PM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu) <emclaugh@email.unc.edu>; Ducharme, Brent <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>

Subject: Supplement to the Record, Administrative Complaint 11R-14-R4

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Thursday, June 16, from 3-5

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Please let me know if this email raises any question. I look forward to hearing back from you regarding a date and time for an interview with Dr. Wing. We can then also discuss the timing for any additional follow up interview with Dr. Johnston.

Thanks again,

Marianne

Marianne Engelman Lado

Senior Staff Attorney

Earthjustice

48 Wall Street, 19th Floor

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delete the message and any attachments.

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Stein, Jonathan
Sent: Thur 5/26/2016 10:12:46 PM
Subject: RE: Transcript - Attn: Ericka Farrell, EPA, 160552132
[160552132.pdf](#)

Owner number is 24278971 (Jonathan Stein). I just tested it - all you need to do is copy and paste the numbers into the password box that comes up. I've printed a copy as well for you (to PDF since it's 43 pages), and it is already saved in the main REACH folder on the G: drive.

Best Regards,

Jonathan M. Stein
Attorney Advisor
U.S. Environmental Protection Agency
Office of Civil Rights - External Compliance
1200 Pennsylvania Avenue, N.W. | Mailcode 1201A | Washington, DC 20460

202/564-2088 | Stein.Jonathan@epa.gov

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□ Please consider the environment before printing this email.

-----Original Message-----

From: Farrell, Ericka
Sent: Thursday, May 26, 2016 1:56 PM
To: Stein, Jonathan <Stein.Jonathan@epa.gov>
Subject: FW: Transcript - Attn: Ericka Farrell, EPA, 160552132

Hey Jonathan,

What is your owner number so I can open this document?

Thanks.

Ericka

-----Original Message-----

From: editor@conferencetranscript.com [<mailto:editor@conferencetranscript.com>]
Sent: Monday, May 16, 2016 10:18 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Transcript - Attn: Ericka Farrell, EPA, 160552132

Attached is the transcript you requested for the EPA conference call occurring on 05/12/2016 at 11:05 a.m. ET with Jonathan Stein as the lead.

Please note: For security purposes, your file may be encrypted. If your file is password protected please use your owner number to unlock your file. It can be found in the conference detail section at the top of your Booking confirmation. If you do not have your Owner Number please contact the customer service team.

If you have any further queries please do not hesitate to contact the Customer Service Team. At 800-896-1204 / 706-634-4242 or email customerservice@teleconferencingcenter.com

To: Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]
From: O'Lone, Mary
Sent: Wed 3/16/2016 5:18:18 PM
Subject: Re: REACH Draft Case Briefing (11R-14-R4) 03162016 (00000003).docx

Add a section on the procedural safeguards.

Do they have any that we can tell?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Covington, Jeryl
Sent: Wednesday, March 16, 2016 1:14 PM
To: Farrell, Ericka; O'Lone, Mary
Subject: REACH Draft Case Briefing (11R-14-R4) 03162016 (00000003).docx

Additional comments.

To: Johnson, Johahna[Johnson.Johahna@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
From: O'Lone, Mary
Sent: Wed 4/20/2016 6:53:47 PM
Subject: Re: If you have time today -- draft questions for Dr. Wing
11R-14-R4 Interview Questions for Dr. Wing mmo-jj.docx

Ericka-

Our quick thoughts on the questions.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Johnson, Johahna
Sent: Tuesday, April 19, 2016 1:02 PM
To: O'Lone, Mary
Subject: RE: If you have time today -- draft questions for Dr. Wing

I took a stab at a couple questions but will need to look at the other related studies to be able to provide further input.

So far it appears that there are at least three categories of questions suited for his unique background:

Ex. 5 - Attorney Client/Deliberative

Ex. 5 - Attorney Client/Deliberative

Johahna Johnson

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-6119

From: O'Lone, Mary

Sent: Tuesday, April 19, 2016 10:56 AM

To: Johnson, Johahna <Johnson.Johahna@epa.gov>

Subject: If you have time today -- draft questions for Dr. Wing

J-

I started going through them. Can you take a look at the ones I haven't touched?

If you want to take a stab at the ones related to the studies you can, but really it is the other ones.

I need to understand better what both studies were looking at

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[o'lonemary@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Wiedeman, Allison[Wiedeman.Allison@epa.gov]; Molloy, Jennifer[molloy.jennifer@epa.gov]
From: Utting, George
Sent: Wed 4/20/2016 1:53:29 PM
Subject: RE: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

Great. Thanks!

George Utting
Water Permits Division (MC-4203M)
U.S. EPA, 1200 Pennsylvania Avenue, NW,
Washington, DC 20460-0001
(202) 564-0744 / Fax (202) 564-6384

From: O'Lone, Mary
Sent: Wednesday, April 20, 2016 9:51 AM
To: Utting, George <Utting.George@epa.gov>
Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>; Wiedeman, Allison <Wiedeman.Allison@epa.gov>; Molloy, Jennifer <molloy.jennifer@epa.gov>
Subject: Re: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

I will add Jennifer. Allison already has access from last year b/c I think she was the Ag advisor to the Administrator at the time we set it up. But I will resend the link -- b/c I have a hard time finding it myself sometimes. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Utting, George
Sent: Wednesday, April 20, 2016 9:47 AM
To: O'Lone, Mary
Cc: Farrell, Ericka; Wiedeman, Allison; Molloy, Jennifer
Subject: RE: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

At the present time, Jennifer Molloy, who is very knowledgeable about CAFO issues, and Allison Wiedeman, who is our branch chief and is also very knowledgeable. If we identify other points of contact, we'll let you know and you can talk to them directly.

Thanks.

George

George Utting
Water Permits Division (MC-4203M)
U.S. EPA, 1200 Pennsylvania Avenue, NW,
Washington, DC 20460-0001
(202) 564-0744 / Fax (202) 564-6384

From: O'Lone, Mary
Sent: Wednesday, April 20, 2016 9:45 AM
To: Utting, George <Utting.George@epa.gov>
Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Re: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

You have to send me their names & I can grant them access.

Most of the studies are exhibits to the complaint.

We are eventually going to make copies of the individual studies and put them in the other relevant folders (e.g., NC specific studies), but we haven't gotten there yet. We stopped work last winter when the complainants & NC DEQ went into ADR.

I am going to look now to see if I can find a copy of Dr. Wing's recent study about runoff & swine farms in NC & will send it to you & post it in the site.

I am ccing Ericka Farrell who is the OCR case manager for this investigation. Thanks,
Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Utting, George
Sent: Wednesday, April 20, 2016 9:21 AM
To: O'Lone, Mary; Langstaff, John
Subject: RE: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

Mary,

Can I share access to this site with one or two other people in my office to get their perspective, once I get into it. I'm in the middle of something else right now, but I plan to take a look later today.

George Utting
Water Permits Division (MC-4203M)
U.S. EPA, 1200 Pennsylvania Avenue, NW,
Washington,DC 20460-0001

(202) 564-0744 / Fax (202) 564-6384

From: O'Lone, Mary

Sent: Wednesday, April 20, 2016 9:01 AM

To: Langstaff, John <Langstaff.John@epa.gov>; Utting, George <Utting.George@epa.gov>

Cc: O'Lone, Mary <o'lonemary@epa.gov>

Subject: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

John & George-

This is a site we set up last year for the REACH investigation into allegations of discrimination in NC's swine general permit program.

I have uploaded studies submitted as attachments to the complaint & a few others I have found. See if you can access the site & let me know if you have any problems. Thanks, Mary

Go to [REACH Title VI Complaint](#)

Follow this site to get updates in your newsfeed.

To: Utting, George[Utting.George@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Wiedeman, Allison[Wiedeman.Allison@epa.gov]; Molloy, Jennifer[molloy.jennifer@epa.gov]
From: O'Lone, Mary
Sent: Wed 4/20/2016 1:50:51 PM
Subject: Re: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

I will add Jennifer. Allison already has access from last year b/c I think she was the Ag advisor to the Administrator at the time we set it up. But I will resend the link -- b/c I have a hard time finding it myself sometimes. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Utting, George
Sent: Wednesday, April 20, 2016 9:47 AM
To: O'Lone, Mary
Cc: Farrell, Ericka; Wiedeman, Allison; Molloy, Jennifer
Subject: RE: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

At the present time, Jennifer Molloy, who is very knowledgeable about CAFO issues, and Allison Wiedeman, who is our branch chief and is also very knowledgeable. If we identify other points of contact, we'll let you know and you can talk to them directly.

Thanks.

George

George Utting
Water Permits Division (MC-4203M)
U.S. EPA, 1200 Pennsylvania Avenue, NW,
Washington, DC 20460-0001

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From: O'Lone, Mary
Sent: Wednesday, April 20, 2016 9:45 AM
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Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>
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I am ccing Ericka Farrell who is the OCR case manager for this investigation. Thanks,
Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Utting, George
Sent: Wednesday, April 20, 2016 9:21 AM
To: O'Lone, Mary; Langstaff, John
Subject: RE: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

Mary,

Can I share access to this site with one or two other people in my office to get their perspective, once I get into it. I'm in the middle of something else right now, but I plan to take a look later today.

George Utting
Water Permits Division (MC-4203M)
U.S. EPA, 1200 Pennsylvania Avenue, NW,
Washington, DC 20460-0001
(202) 564-0744 / Fax (202) 564-6384

From: O'Lone, Mary
Sent: Wednesday, April 20, 2016 9:01 AM
To: Langstaff, John <Langstaff.John@epa.gov>; Utting, George <Utting.George@epa.gov>
Cc: O'Lone, Mary <o'lone.mary@epa.gov>
Subject: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

John & George-

This is a site we set up last year for the REACH investigation into allegations of discrimination in NC's swine general permit program. I have uploaded studies submitted as attachments to the complaint & a few others I have found. See if you can access the site & let me know if you have any problems. Thanks, Mary

Go to [REACH Title VI Complaint](#)

Follow this site to get updates in your newsfeed.

To: O'Lone, Mary[o'lonemary@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]; Wiedeman, Allison[Wiedeman.Allison@epa.gov]; Molloy, Jennifer[molloy.jennifer@epa.gov]
From: Utting, George
Sent: Wed 4/20/2016 1:47:57 PM
Subject: RE: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

At the present time, Jennifer Molloy, who is very knowledgeable about CAFO issues, and Allison Wiedeman, who is our branch chief and is also very knowledgeable. If we identify other points of contact, we'll let you know and you can talk to them directly.

Thanks.

George

George Utting
Water Permits Division (MC-4203M)
U.S. EPA, 1200 Pennsylvania Avenue, NW,
Washington, DC 20460-0001
(202) 564-0744 / Fax (202) 564-6384

From: O'Lone, Mary
Sent: Wednesday, April 20, 2016 9:45 AM
To: Utting, George <Utting.George@epa.gov>
Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Re: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

You have to send me their names & I can grant them access.

Most of the studies are exhibits to the complaint.

We are eventually going to make copies of the individual studies and put them in the other relevant folders (e.g., NC specific studies), but we haven't gotten there yet. We stopped work last winter when the complainants & NC DEQ went into ADR.

I am going to look now to see if I can find a copy of Dr. Wing's recent study about runoff & swine farms in NC & will send it to you & post it in the site.

I am ccing Ericka Farrell who is the OCR case manager for this investigation. Thanks,
Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

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Go to [REACH Title VI Complaint](#)

Follow this site to get updates in your newsfeed.

To: Utting, George[Utting.George@epa.gov]
Cc: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: O'Lone, Mary
Sent: Wed 4/20/2016 1:44:51 PM
Subject: Re: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

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Mary O'Lone

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1200 Pennsylvania Ave., NW

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Cc: O'Lone, Mary <o'lonemary@epa.gov>
Subject: O'Lone, Mary has invited you to 'REACH Title VI Complaint'

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Go to [REACH Title VI Complaint](#)

Follow this site to get updates in your newsfeed.

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Tue 4/19/2016 1:47:09 PM
Subject: 11R-14-R4 Interview Questions for Dr Wing (04192016).docx
11R-14-R4 Interview Questions for Dr Wing (04192016).docx

I am re-sending a more reasonable edition. Other considerations....

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Tue 4/19/2016 1:45:39 PM
Subject: 11R-14-R4 Interview Questions for Dr Wing (04192016).docx
11R-14-R4 Interview Questions for Dr Wing (04192016).docx

Other considerations...

To: Farrell, Ericka[Farrell.Ericka@epa.gov]
From: Covington, Jeryl
Sent: Tue 4/19/2016 1:06:37 PM
Subject: 11R-14-R4 Interview Questions for Dr Wing.docx
11R-14-R4 Interview Questions for Dr Wing.docx

I have quickly reviewed the attached questions and provide the following comments..

Please note that some of Dr. Wing's analysis did contrast impacts of minority community impacts to non-minority communities.

I am continuing to read the submitted exhibits and will provide my assessments of such.

To: Hall, William[Hall.William@epa.gov]
Cc: O'Lone, Mary[o'lonemary@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Wed 6/10/2015 6:55:08 PM
Subject: FW: EPA File No.: 11R-14-r4

Will –

I forgot to ask you whether you had any thoughts about Earthjustice's email below.

Thanks,

Helena

From: Wooden-Aguilar, Helena
Sent: Thursday, May 28, 2015 6:23 AM
To: Marianne Engelman Lado
Cc: Covington, Jeryl; Farrell, Ericka
Subject: Re: EPA File No.: 11R-14-r4

Hi Marianne

Thanks for your email. I have alerted the Director to your request and will get to you ASAP.

Thanks,

Helena

Helena Wooden-Aguilar

Assistant Director

US Environmental Protection Agency

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On May 27, 2015, at 1:10 PM, "Marianne Engelman Lado" <mengelmanlado@earthjustice.org> wrote:

Dear Helena,

I'm writing with regard to EPA File No. 11R-14-R4, a complaint under Title VI of the Civil Rights Act of 1964 filed on behalf of the North Carolina Environmental Justice Network, REACH and the Waterkeeper Alliance, Inc. As you know, the case has been referred to alternative dispute resolution and we are pursuing this approach. We understand that EPA's investigation is put "on hold" during this process, see <http://www.epa.gov/civilrights/faq-adrt6.htm>, but complainants request that the Office of Civil Rights might interview Steve Wing in the interim given significant and extenuating circumstances.

As you know, Dr. Wing and one of his graduate students, Jill Johnston, submitted a report and disproportionality analysis that was attached to the complaint. He is also an epidemiologist who has expertise on the impacts of CAFOs on people living and going to school in proximity to the facilities, and also on the disproportionate impacts on the basis of race.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy and he is willing to set up an interview with OCR over the summer. I am hopeful that you can accommodate his schedule and arrange an interview, even if the investigation is on hold.

I look forward to your response.

Best,

Marianne

Marianne Engelman Lado

Managing Attorney, Northeast Office

Earthjustice

48 Wall Street, 19th Floor

New York, NY 10005

T: 212.845.7393

F: 212.918.1556

earthjustice.org

<image001.gif>

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